

NAYS—203

Abercrombie	Goode	Neal
Ackerman	Gordon	Oberstar
Allen	Green	Obey
Baessler	Gutierrez	Olver
Baldacci	Hall (OH)	Ortiz
Barcia	Hamilton	Owens
Barrett (WI)	Harman	Pallone
Becerra	Hastings (FL)	Pascrell
Bentsen	Hefner	Pastor
Berman	Hilliard	Payne
Berry	Hinche	Pelosi
Bishop	Hinojosa	Pickett
Blagojevich	Holden	Pomeroy
Blumenauer	Hooley	Poshard
Bonior	Hoyer	Price (NC)
Borski	Jackson (IL)	Rahall
Boswell	Jackson-Lee	Rangel
Boucher	(TX)	Reyes
Boyd	Jefferson	Rivers
Brown (CA)	John	Rodriguez
Brown (FL)	Johnson (WI)	Roemer
Brown (OH)	Johnson, E. B.	Rothman
Capps	Kanjorski	Roybal-Allard
Cardin	Kaptur	Rush
Carson	Kennedy (MA)	Sabo
Clay	Kennedy (RI)	Sanchez
Clayton	Kennelly	Sanders
Clement	Kildee	Sandlin
Clyburn	Kilpatrick	Sawyer
Condit	Kind (WI)	Schumer
Conyers	Kleczka	Scott
Costello	Klink	Serrano
Coyne	Kucinich	Sherman
Cramer	LaFalce	Sisisky
Cummings	Lampson	Skaggs
Danner	Lantos	Skelton
Davis (FL)	Levin	Slaughter
Davis (IL)	Lipinski	Smith, Adam
DeFazio	Lofgren	Snyder
DeGette	Lowe	Spratt
Delahunt	Luther	Stabenow
DeLauro	Maloney (CT)	Stark
Dellums	Maloney (NY)	Stenholm
Deutsch	Manton	Stokes
Dicks	Markey	Strickland
Dingell	Martinez	Stupak
Dixon	Mascara	Tanner
Doggett	Matsui	Tauscher
Dooley	McCarthy (MO)	Taylor (MS)
Doyle	McCarthy (NY)	Thompson
Edwards	McDermott	Thurman
Engel	McGovern	Tierney
Eshoo	McHale	Torres
Etheridge	McIntyre	Towns
Evans	McKinney	Turner
Farr	McNulty	Velazquez
Fattah	Meehan	Vento
Fazio	Meek	Visclosky
Filner	Menendez	Waters
Flake	Millender-	Watt (NC)
Foglietta	McDonald	Waxman
Forbes	Miller (CA)	Wexler
Ford	Minge	Weygand
Frank (MA)	Mink	Wise
Frost	Moakley	Woolsey
Furse	Mollohan	Wynn
Gejdenson	Moran (VA)	Yates
Gephardt	Murtha	
Gonzalez	Nadler	

NOT VOTING—5

Andrews	Lewis (GA)	Snowbarger
Hunter	Schiff	

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. GUTKNECHT, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

53.14 H.R. 911—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GUTKNECHT, pursuant to clause 5, rule I, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 911) to en-

courage the States to enact legislation to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of non-profit organizations and governmental entities; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the { Yeas 390
affirmative } Nays 35

53.15 [Roll No. 150]
YEAS—390

Abercrombie	Davis (VA)	Hobson
Ackerman	Deal	Hoekstra
Aderholt	DeFazio	Holden
Allen	DeGette	Hooley
Archer	DeLauro	Horn
Armey	DeLay	Hostettler
Bachus	Dellums	Houghton
Baessler	Diaz-Balart	Hoyer
Baer	Dickey	Hulshof
Baldacci	Dicks	Hutchinson
Ballenger	Dingell	Hyde
Barcia	Dixon	Inglis
Barr	Dooley	Istook
Barrett (NE)	Doolittle	Jackson-Lee
Barrett (WI)	Doyle	(TX)
Bartlett	Dreier	Jenkins
Barton	Duncan	John
Bass	Dunn	Johnson (CT)
Bateman	Edwards	Johnson (WI)
Bentsen	Ehlers	Johnson, E. B.
Bereuter	Ehrlich	Johnson, Sam
Berry	Emerson	Jones
Bilbray	Engel	Kanjorski
Bilirakis	English	Kaptur
Bishop	Ensign	Kasich
Blagojevich	Eshoo	Kelly
Bliley	Etheridge	Kennedy (MA)
Blumenauer	Evans	Kennedy (RI)
Blunt	Everett	Kennelly
Boehlert	Ewing	Kildee
Boehner	Farr	Kilpatrick
Bonilla	Fawell	Kim
Bonior	Fazio	Kind (WI)
Bono	Flake	King (NY)
Borski	Foglietta	Kingston
Boswell	Foley	Kleczka
Boucher	Forbes	Klink
Boyd	Ford	Klug
Brady	Fowler	Knollenberg
Brown (FL)	Fox	Kolbe
Brown (OH)	Frank (MA)	LaHood
Bryant	Franks (NJ)	Lampson
Bunning	Frelinghuysen	Lantos
Burr	Frost	Largent
Burton	Furse	Latham
Buyer	Galleghy	LaTourette
Callahan	Ganske	Lazio
Calvert	Gejdenson	Leach
Camp	Gekas	Levin
Campbell	Gephardt	Lewis (CA)
Canady	Gibbons	Lewis (KY)
Cannon	Gilchrest	Linder
Capps	Gillmor	Lipinski
Cardin	Gilman	Livingston
Carson	Gonzalez	LoBiondo
Castle	Goode	Lowey
Chabot	Goodlatte	Lucas
Chambliss	Goodling	Luther
Chenoweth	Gordon	Maloney (CT)
Christensen	Goss	Maloney (NY)
Clay	Graham	Manton
Clement	Granger	Martinez
Clyburn	Green	Mascara
Coburn	Gutierrez	Matsui
Collins	Gutknecht	McCarthy (MO)
Combest	Hall (OH)	McCarthy (NY)
Condit	Hall (TX)	McCollum
Cook	Hamilton	McCrery
Cooksey	Hansen	McDade
Costello	Harman	McDermott
Cox	Hastert	McGovern
Coyne	Hastings (WA)	McHale
Cramer	Hayworth	McHugh
Crane	Hefley	McInnis
Crapo	Hefner	McIntosh
Cubin	Herger	McKeon
Cummings	Hill	McKinney
Cunningham	Hilleary	McNulty
Danner	Hinche	Meehan
Davis (FL)	Hinojosa	Menendez

Metcalfe	Rahall	Solomon
Mica	Ramstad	Souder
Millender-	Redmond	Spence
McDonald	Regula	Spratt
Miller (CA)	Reyes	Stabenow
Miller (FL)	Riggs	Stark
Minge	Riley	Stearns
Mink	Rivers	Stenholm
Moakley	Rodriguez	Stokes
Molinari	Roemer	Strickland
Moran (KS)	Rogan	Stump
Moran (VA)	Rogers	Stupak
Morella	Rohrabacher	Sununu
Murtha	Ros-Lehtinen	Talent
Myrick	Rothman	Tanner
Neal	Roukema	Tauzin
Nethercutt	Royce	Taylor (MS)
Neumann	Rush	Taylor (NC)
Ney	Ryun	Thomas
Northup	Sabo	Thompson
Norwood	Salmon	Thornberry
Nussle	Sanchez	Thune
Obey	Sanders	Thurman
Olver	Sanford	Tiahrt
Ortiz	Sawyer	Torres
Owens	Saxton	Towns
Oxley	Scarborough	Trafficant
Packard	Schaefer, Dan	Turner
Pallone	Schaffer, Bob	Upton
Pappas	Schumer	Velazquez
Parker	Sensenbrenner	Vento
Pascrell	Serrano	Visclosky
Pastor	Sessions	Walsh
Paxon	Shadegg	Wamp
Payne	Shaw	Watkins
Pease	Shays	Waxman
Pelosi	Sherman	Weldon (FL)
Peterson (MN)	Shimkus	Weller
Peterson (PA)	Shuster	Wexler
Petri	Sisisky	Weygand
Pickering	Skaggs	White
Pickett	Skeen	Whitfield
Pitts	Skelton	Wicker
Pomeroy	Slaughter	Wise
Porter	Smith (MI)	Wolf
Portman	Smith (NJ)	Woolsey
Poshard	Smith (OR)	Wynn
Price (NC)	Smith (TX)	Yates
Pryce (OH)	Smith, Adam	Young (AK)
Quinn	Smith, Linda	Young (FL)
Radanovich	Snyder	

NAYS—35

Becerra	Hastings (FL)	Oberstar
Berman	Hilliard	Paul
Brown (CA)	Jackson (IL)	Pombo
Clayton	Jefferson	Rangel
Coble	Kucinich	Roybal-Allard
Conyers	LaFalce	Sandlin
Davis (IL)	Lofgren	Scott
Delahunt	Manzullo	Tauscher
Deutsch	Markey	Tierney
Doggett	Meek	Waters
Fattah	Mollohan	Watt (NC)
Filner	Nadler	

NOT VOTING—9

Andrews	Lewis (GA)	Snowbarger
Greenwood	McIntyre	Watts (OK)
Hunter	Schiff	Weldon (PA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

On motion of Mr. INGLIS, by unanimous consent, the Committee on the Judiciary was discharged from further consideration of the bill of the Senate (S. 543) to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

When said bill was considered and read twice.

Mr. INGLIS submitted the following amendment, which was agreed to:

Strike out all after the enacting clause and insert the provisions of H.R. 911, as passed by the House.

The bill, as amended, was ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill, as amended, was

passed was, by unanimous consent, laid on the table.

Ordered. That the Clerk request the concurrence of the Senate in said amendment.

By unanimous consent, H.R. 911, a similar House bill, was laid on the table.

53.16 DOLPHIN CONSERVATION

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to House Resolution 153 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 408) to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes.

The SPEAKER pro tempore, Mr. LAHOOD, by unanimous consent, designated Mr. GUTKNECHT as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. GILLMOR, assumed the Chair.

When Mr. GUTKNECHT, Chairman, pursuant to House Resolution 153, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the “International Dolphin Conservation Program Act”.

(b) REFERENCES TO MARINE MAMMAL PROTECTION ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

SEC. 2. PURPOSE AND FINDINGS.

(a) PURPOSE.—The purposes of this Act are—

(1) to give effect to the Declaration of Panama, signed October 4, 1995, by the Governments of Belize, Colombia, Costa Rica, Ecuador, France, Honduras, Mexico, Panama, Spain, the United States of America, Vanuatu, and Venezuela, including the establishment of the International Dolphin Conservation Program, relating to the protection of dolphins and other species, and the conservation and management of tuna in the eastern tropical Pacific Ocean;

(2) to recognize that nations fishing for tuna in the eastern tropical Pacific Ocean have achieved significant reductions in dolphin mortality associated with that fishery; and

(3) to eliminate the ban on imports of tuna from those nations that are in compliance with the International Dolphin Conservation Program.

(b) FINDINGS.—The Congress finds the following:

(1) The nations that fish for tuna in the eastern tropical Pacific Ocean have achieved significant reductions in dolphin mortalities associated with the purse seine fishery from

hundreds of thousands annually to fewer than 5,000 annually.

(2) The provisions of the Marine Mammal Protection Act of 1972 that impose a ban on imports from nations that fish for tuna in the eastern tropical Pacific Ocean have served as an incentive to reduce dolphin mortalities.

(3) Tuna canners and processors of the United States have led the canning and processing industry in promoting a dolphin-safe tuna market.

(4) 12 signatory nations to the Declaration of Panama, including the United States, agreed under that Declaration to require that the total annual dolphin mortality in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean not exceed 5,000, with a commitment and objective to progressively reduce dolphin mortality to a level approaching zero through the setting of annual limits.

SEC. 3. DEFINITIONS.

Section 3 (16 U.S.C. 1362) is amended by adding at the end the following new paragraphs:

“(28) The term ‘International Dolphin Conservation Program’ means the international program established by the agreement signed in La Jolla, California, in June 1992, as formalized, modified, and enhanced in accordance with the Declaration of Panama, that requires—

“(A) that the total annual dolphin mortality in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean not exceed 5,000, with the commitment and objective to progressively reduce dolphin mortality to levels approaching zero through the setting of annual limits;

“(B) the establishment of a per-stock per-year mortality limit for dolphins, for each year through the year 2000, of between 0.2 percent and 0.1 percent of the minimum population estimate;

“(C) beginning with the year 2001, that the per-stock per-year mortality of dolphin not exceed 0.1 percent of the minimum population estimate;

“(D) that if the mortality limit set forth in subparagraph (A) is exceeded, all sets on dolphins shall cease for the fishing year concerned;

“(E) that if the mortality limit set forth in subparagraph (B) or (C) is exceeded sets on such stock and any mixed schools containing members of such stock shall cease for that fishing year;

“(F) in the case of subparagraph (B), to conduct a scientific review and assessment in 1998 of progress toward the year 2000 objective and consider recommendations as appropriate; and

“(G) in the case of subparagraph (C), to conduct a scientific review and assessment regarding that stock or those stocks and consider further recommendations;

“(H) the establishment of a per-vessel maximum annual dolphin mortality limit consistent with the established per-year mortality caps; and

“(I) the provision of a system of incentives to vessel captains to continue to reduce dolphin mortality, with the goal of eliminating dolphin mortality.

“(29) The term ‘Declaration of Panama’ means the declaration signed in Panama City, Republic of Panama, on October 4, 1995.”.

SEC. 4. AMENDMENTS TO TITLE I.

(a) AUTHORIZATION FOR INCIDENTAL TAKING.—Section 101(a)(2) (16 U.S.C. 1371(a)(2)) is amended as follows:

(1) By inserting after the first sentence “Such authorizations may also be granted under title III with respect to the yellowfin tuna fishery of the eastern tropical Pacific Ocean, subject to regulations prescribed

under that title by the Secretary without regard to section 103.”.

(2) By striking the semicolon in the second sentence and all that follows through “practicable”.

(b) DOCUMENTARY EVIDENCE.—Section 101(a) (16 U.S.C. 1371(a)) is amended by striking so much of paragraph (2) as follows subparagraph (A) and as precedes subparagraph (C) and inserting:

“(B) in the case of yellowfin tuna harvested with purse seine nets in the eastern tropical Pacific Ocean, and products therefrom, to be exported to the United States, shall require that the government of the exporting nation provide documentary evidence that—

“(i) the tuna or products therefrom were not banned from importation under this paragraph before the effective date of the International Dolphin Conservation Program Act;

“(ii) the tuna or products therefrom were harvested after the effective date of the International Dolphin Conservation Program Act by vessels of a nation which participates in the International Dolphin Conservation Program, such harvesting nation is either a member of the Inter-American Tropical Tuna Commission or has initiated (and within 6 months thereafter completed) all steps (in accordance with article V, paragraph 3 of the Convention establishing the Inter-American Tropical Tuna Commission) necessary to become a member of that organization;

“(iii) such nation is meeting the obligations of the International Dolphin Conservation Program and the obligations of membership in the Inter-American Tropical Tuna Commission, including all financial obligations;

“(iv) the total dolphin mortality permitted under the International Dolphin Conservation Program will not exceed 5,000 in 1997, or in any year thereafter, consistent with the commitment and objective of progressively reducing dolphin mortality to levels approaching zero through the setting of annual limits and the goal of eliminating dolphin mortality; and

“(v) the tuna or products therefrom were harvested after the effective date of the International Dolphin Conservation Program Act by vessels of a nation which participates in the International Dolphin Conservation Program, and such harvesting nation has not vetoed the participation by any other nation in such Program.”.

(c) ACCEPTANCE OF EVIDENCE COVERAGE.—Section 101 (16 U.S.C. 1371) is amended by adding at the end the following new subsections:

“(d) ACCEPTANCE OF DOCUMENTARY EVIDENCE.—The Secretary shall not accept documentary evidence referred to in section 101(a)(2)(B) as satisfactory proof for purposes of section 101(a)(2) if—

“(1) the government of the harvesting nation does not provide directly or authorize the Inter-American Tropical Tuna Commission to release complete and accurate information to the Secretary to allow a determination of compliance with the International Dolphin Conservation Program;

“(2) the government of the harvesting nation does not provide directly or authorize the Inter-American Tropical Tuna Commission to release complete and accurate information to the Secretary in a timely manner for the purposes of tracking and verifying compliance with the minimum requirements established by the Secretary in regulations promulgated under subsection (f) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(f)); or

“(3) after taking into consideration this information, findings of the Inter-American Tropical Tuna Commission, and any other relevant information, including information